

PART 2

APPENDIX 2.21

1.0 Aims and Purpose

- 1.1 The aims of this Code of Practice are to establish good practice in the use of secondments and to develop the principles for secondments outlined in the SNCT report following the recommendations within the Independent Panel on Career Pathways for Teachers.
- 1.2 The purpose of this Code of Practice is to provide a straightforward, coherent and fair mechanism to facilitate movement within and between different parts of the education system in Scotland.
- 1.3 This Code of Practice should provide greater consistency of approach to movement within and across schools, local authorities, regional improvement collaboratives and other organisations such as higher education and national agencies.

2.0 Definitions

- 2.1 A secondment exists where an employee is assigned, on a temporary basis, to work for another organisation or agency or to a different part of the employee's organisation.
- 2.2 This Code of Practice defines the employer organisation (or part of the employer organisation) as the 'original employer'. The organisation receiving the employee is defined as the 'host' and the employee concerned is defined as the 'seconded'.

3.0 The Purpose of Secondments

- 3.1 Secondments can offer several benefits for employers and employees. They enable the secondee to gain experience in a specific area and/or insight into the work of the host. In addition, they offer career pathways for the secondee and the individual filling the substantive post or posts. For these reasons, the SNCT encourages the use of secondments.
- 3.2 The purpose of a secondment may include:
 - Provision of strategic direction
 - Supporting, coaching, or mentoring others
 - Development of an area or specialism
 - Building understanding in a local, regional or national role
- 3.3 The SNCT recognises the following as potential hosts for secondment. The list below is not exhaustive and is provided for illustrative purposes only:

- Education Scotland
- Scottish Government
- GTCS
- RICs/other Councils
- TEI/Universities
- Internal secondments to central roles and to RIC roles
- Possibly charities involved in education
- FE Colleges
- Businesses
- Third sector
- Professional Associations/Trade Unions
- Other public bodies e.g. Police Scotland

3.4 Consideration should be given to how a secondment will enhance life-long learning. The following should be considerations in any secondment process:

- What will the experience bring to the employer and the secondee's workplace when the secondee returns?
- Will there be opportunity for individuals to cover the substantive post on an acting basis?

4.0 Eligibility for Secondment

4.1 Eligible employees are required to have at least 2 years' continuous employment, on a permanent or temporary basis, with any Scottish council. In the case of teachers, the employee is required to have at least 2 years' continuous employment after achieving the Standard for Registration with the General Teaching Council for Scotland.

4.2 In judging individual applications, councils will consider a range of operational issues, such as the number of teachers on approved leave of absence along with the prospects of recruiting a suitably qualified replacement.

5.0 Planning for a Secondment

5.1 It is for any council to decide whether the exigencies of the service provision allow for a secondment to be granted.

5.2 Where an expression of interest in a secondment is made by an employee, or where a council is considering seconding an employee (internally or externally), equality of opportunity should be the overarching principle. There also needs to be a balance between the needs of councils in terms of succession planning and with equality of opportunity across Scotland.

- 5.3 It is recognised that there is not one single employer for all employees covered by the SNCT Handbook. It is also recognised that a secondment will be entered into as the result of a decision by a host to second a particular individual. Nevertheless, all secondment opportunities within Councils should be advertised and the appropriate web portals should be utilised in the same way as with normal recruitment.
- 5.4 Following the application process, an assessment of each candidate should be made against selection criteria based on a job description and/or a person specification. An objective selection process within Councils should be adhered to in the same way as any type of recruitment selection. In considering whether a secondment request to an external organisation should be supported, the original employer may wish to take account the fairness and transparency of how the position was advertised and how the candidate was selected.

6.0 Secondment Agreements

- 6.1 If an employee is being seconded to another department or workplace within the same council, then it may only be necessary to make minor changes to the seconded employee's employment contract. However, if the secondment is to a separate legal entity, for example to an external organisation or agency, then the arrangement should be more formally documented in the form of a written secondment agreement.
- 6.2 This Code of Practice recognises that there is not one single employer for all employees covered by the SNCT Handbook and that individual councils will have individual policies on secondment and associated issues. Nevertheless, the following points should be identified, expanded upon and made explicit in the written secondment agreement:
- Parities to the agreement (identification of the original employer, the host and the secondee).
 - Structure of the agreement.
(Bipartite: original employer and the secondee) or;
(Tripartite: original employer, host employer and the secondee).
 - Duties to be undertaken by the secondee during the secondment.
 - Day-to-day supervision of the secondee.
 - Sickness leave, special leave and absence management arrangements during the secondment.
 - Payment arrangements during the secondment.
 - Travel and subsistence arrangements during the secondment (especially those involving overnight stays and/or overseas travel).
 - Contact arrangements between the original employer and the secondee during the secondment.
 - Contact arrangements between the original employer and the host during the secondment.

- Liability and insurance.
- Confidentiality.
- Intellectual property rights.
- Duration of the secondment.
- Arrangements for early termination of the secondment (by either side).

7.0 Duration of secondments

- 7.1 The duration of a secondment will be dependent on the purpose of the secondment and may vary. However, in all cases, secondments should be for a maximum of 23 months.
- 7.2 At the end of a secondment, the secondee will return to her/his original post with the original employer.

8.0 Conditions of Service

- 8.1 During the period of a secondment, the secondee will remain employed by the original employer and the terms and conditions contained within her/his written statement of employment particulars will remain in force.
- 8.2 The original employer will continue to pay the secondee's salary and all connected costs (in particular, income tax, national insurance and pension contributions). The original employer will be responsible passing the employer and employee pension contributions to the Scottish Public Sector Agency (SPPA) for the period of the secondment.
- 8.3 On an employee's return from a secondment, the period of the secondment will be treated as continuous for statutory and contractual purposes and will count towards reckonable service.
- 8.4 The period of any secondment will be recognised for the following:
- i) Incremental progression of pay.
 - ii) Qualification for and entitlement to sickness allowance.
 - iii) Annual leave entitlement (where applicable).
- 8.5 A secondee is entitled to request early termination of a secondment. Application must be made to the council requesting this. The council is not obliged to grant the contraction but should consider the merits of the application in line with paragraphs 3.1 to 3.3 above.
- 8.6 In applying for an extension of, or reduction in, the duration of a secondment, the secondee must provide the council with a minimum of 8 working weeks' notice. Extensions should not be granted if the time of the secondment will exceed the maximum 23 months.

9.0 Resultant Vacancies

- 9.1 A post vacated by a teacher or associated professional undertaking a secondment should be filled by a suitably qualified replacement. When appointing a temporary replacement the employer should be guided by the SNCT Code of Practice on the Use of Temporary Contracts (Part 2, Appendix 2.8), where it exists, the local agreement deriving from that Code of Practice.
- 9.2 Where a teacher is seconded within a council on a temporary basis to carry out the duties of a promoted post-holder in a school, education establishment or education team, pending a permanent appointment to the promoted post or in place of a teacher who is temporarily absent, the council shall pay the salary applicable to the post.
- 9.3 Where a head teacher or depute is being seconded, the council should nonetheless consult with the Parent Council of any schools that are affected by the change, in accordance with the requirements of the Scottish Schools (Parental Involvement) Act 2006.

10.0 Application, Decision and Appeals

- 10.1 An employee who has been granted a secondment and who, prior to the date of commencement, decides not to proceed with the secondment must give the council 4 working weeks' notice of their intention to not so proceed.
- 10.2 Where an employee has made an application for a secondment and that application has been rejected, the employee may appeal against this decision through a properly constituted appeals committee of the council. There is no right of appeal to the SNCT.